THE HONORABLE BRIAN D. LYNCH 1 **CHAPTER 13 HEARING DATE: June 26, 2019** 2 **HEARING TIME: 1:30 P.M.** LOCATION: Tacoma, Washington 3 **RESPONSE DATE: June 19, 2019** 4 5 6 7 8 9 IN THE UNITED STATES BANKRUPTCY COURT FOR THE 10 WESTERN DISTRICT OF WASHINGTON AT TACOMA 11 12 In re: Case No.: 17-43966-BDL 13 CHARLES EDWARD MAYS JR and NOTICE OF AND MOTION FOR DISMISSAL DARLA JO MAYS, PURSUANT TO 11 U.S.C. § 1307(c) 14 Debtors. 15 16 **NOTICE** 17 YOU ARE HEREBY NOTIFIED that a hearing on Trustee's Motion to Dismiss will 18 be heard before the Honorable Brian D. Lynch at 1:30 P.M. on June 26, 2019, at the U.S. 19 Bankruptcy Courthouse, 1717 Pacific Avenue, Courtroom I, Tacoma, WA 98402. 20 **IF YOU OPPOSE** this motion, you must file your written response with the Court 21 Clerk and deliver copies on the undersigned and all interested parties, NOT LATER THAN 22 THE RESPONSE DATE, which is **June 19, 2019**. You should also appear at the time of 23 hearing. If you fail to do so, the Court may enter an order granting the motion without any 24 hearing and without further notice. 25 Michael G. Malaier

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MOTION

COMES NOW, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

- 1. Debtors filed this case on **October 26, 2017**. The case was confirmed by order of the Court on **January 10, 2018**.
- Pursuant to the confirmed plan, Debtors are required to make plan payments of \$3,600.00
 per month. Debtors are presently delinquent in plan payments in the amount of \$10,800.00,
 supported by the Declaration filed herewith.
- 3. In addition, Debtors have failed to provide copies of the 2017 and 2018 tax returns to the Trustee.
- 4. Debtors have defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan payments.

WHEREFORE the Trustee prays that this case be dismissed and closed.

DATED this 28th day of May, 2019 at Tacoma, Washington.

Mathew S. LaCroix, WSBA# 41847 for Michael G. Malaier, Chapter 13 Trustee

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8	IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA		
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LO	In re:	Case No.: 17-43966-BDL	
11	CHARLES EDWARD MAYS JR and DARLA JO MAYS,	PROPOSED ORDER DISMISSING CHAPTER 13 CASE	
12	Debtors.		
13		'	
L4	THIS MATTER having come before the Court on the Trustee's Motion to Dismiss, due		
15 16	notice of hearing having been given to the	Debtors and the attorney for the Debtors; the Debtors	
17	having not otherwise responded or appeared	ed, the Court having reviewed the motion and being	
18	fully advised in the premises IT IS HEDERY		
19	ORDERED that any funds being h	neld by the Trustee shall be applied to the filing fee,	
20	with any remaining balance returned to the Debtors; it is further		
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22	ORDERED that upon dismissal or conversion, any refund shall be payable to the		
23	Debtors and may be forwarded to the Debtors though the attorney's office per 11 U.S.C		
24	349(b)(3); it is further		
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1	ORDERED that the above-captioned case be dismissed effective on the date of this
2	Order and the Trustee is directed to administratively close this case and issue Trustee's Final
3	Report to creditors.
4	///End of Order///
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6	Presented by:
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8	Mathew S. LaCroix, WSBA# 41847 for Michael G. Malaier, Chapter 13 Trustee
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